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Angenehm Law Firm, Ltd.
P.O. Box 48755
Coon Rapids, MN 55448-0755

EXAMINER

VU, THONG H

ART UNIT PAPER NUMBER

2142

DATE MAILED: 11/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,935

Applicant(s)

DAVIS, LEMUEL

Examiner

Thong H Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 2-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 1-23 are pending.

Claim Rejections - 35 USC § 112

2. Claim 2 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. (i.e.: a duplication job was not defined in specification).

3. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. (i.e.: the efficiency principles was not defined in specification).

4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (i.e.: the efficiency principles). Examiner interprets the efficiency principles could be anything (i.e.: increased efficiency in scheduling and delivery of packages in electronic commerce).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2-3,5-6,10-14,19-23 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tripp et al [Tripp 6,516,337 B1].

6. As per claim 2, Tripp discloses a media provider, comprising:

a plurality of media file clusters (i.e.: web server, remote server) each containing a media file master server (i.e.: a central server) and at least one media-recording client;

the media file master server acquiring customized files for a particular duplication job and sending the files for a job to a recording queue (i.e.: database server)[Tripp, database on master server, Fig 7], the media recording client retrieving a job from the recording queue and duplicating the file [Tripp, the brochure has been modified, col 11 lines 57-col 12 line 19; customize or modify a template, col 29 line 49-col 30 line 2];

a job control master computer system (i.e.: master index server), the job control master computer system sending a duplication job to one of the media file clusters [Tripp, duplicating the remote data, col 2 lines 50-65; the queue manage transmits a copy to a remote queue manage, col 12 lines 20-62]; and

a media network used for communications between the media file master server

and a plurality of client systems within the media file cluster [Tripp, master index server and the remote user browsers, col 11 lines 40-55].

7. As per claim 3, Tripp discloses at least one media generation client and a generation queue, the generation queue receiving jobs from the media file master server that require customization [Tripp, the queue manager transferred the entries from the update processing server to the remote queue manager, col 23 line 52-col 24 line 5], the media generation client retrieving a job from the generation queue, customizing the files and sending customized job the recording queue [Tripp, customized the template, col 29 line 49-col 30 line 2].

8. As per claim 5, Tripp discloses the customized job is communicated to the recording queue via the media file master server [Tripp, customized the template, col 29 line 49-col 30 line 2].

9. As per claim 6, Tripp discloses a interface, the user interface being a web site and communicating jobs to the job control master [Tripp, the central server and web site, col 11 lines 15-34]; and a customer database capable of holding data or information about a plurality of customers, such information including name, shipping address, billing address, media preferences, past purchases, and payment information [Tripp, a local database, col 27 lines 45-60];

at least one database server containing the customer database; and a web site network allowing for communications between the web site server, and the database servers [Tripp, web server, database server, col 9 line 57-col 10 line 4].

10. As per claim 10, Tripp discloses a job control master computer system that directs each recording job to a particular recoding cluster based on efficiency principles [Tripp, the agent updates the server index based on the contents, col 10 lines 62-col 11 line 14; notification can be sent based on exceptions, col 32 lines 50-65; schedule can be updated based on the interval requested, col 46 lines 35-48]; and a job control network allowing of communications between the job control master computer system and a plurality of media file clusters [Tripp, the agent application logical control class, col 41 lines 25-67].

11. As per claim 11, Tripp discloses a media file archival server (i.e.: database on master server) that obtains files in at least one area from the group consisting of local storage and the media file archival servers and an archival network allowing for communication between the media file archival server and a plurality of media file clusters [Tripp, database on master server, 704 Fig 7].

12. As per claim 12, Tripp discloses the media recording client places a customer specific digital identifier on recorded copies [Tripp, a particular name, col 15 lines 49-61].

13. As per claim 13, Tripp discloses the files include at least one member selected from the group consisting of video, games, electronic pictures and sound recordings [Tripp, user select, col 31 lines 1-15].

14. As per claim 14, Tripp discloses at least one recording cluster is strictly for recording popular media choices [Tripp, this permits updates is applied to a segment, col 50 lines 44-63].

15. As per claim 19, Tripp discloses each media file master server maintains several media files that are the more popular customer selections [Tripp, web server, col 9 lines 10-30].

16. As per claim 20, Tripp discloses a media generation client, the media file master server sending a job requiring a computation to the media generation client [Tripp, the agent calculates a digital signature, col 18 lines 24-67].

17. As per claim 21, Tripp discloses the media generation client performs computations on media file, modifies media files and generates media files [Tripp, the agent calculates a digital signature, col 18 lines 24-67]

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18. As per claim 22, Tripp discloses the media generation client sends the files for a job to the recording queue (i.e.: queue database)[Tripp, transferring these entries to the remote queue manager, the entries in the queue are transferred to a queue database, col 23 lines 52-col 24 line 5]

19. As per claim 23, Tripp discloses a downloadable applet for a web browser allowing media file customization options to be interactively computed, previewed and selected [Tripp, download brochures, modification requests from user browser, col 11 lines 7-67]; and transmission of customization option selections from the applet to the web site [Tripp, customize or modify a template, col 29 line 49-col 30 line 2].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 4,7-9,15-18 are rejected under 35 U.S.C. § 103 as being unpatentable over Tripp et al [Tripp 6,516,337 B1] in view of Lewis et al [Lewis 6,233,565 B1].

21. As per claim 4, Tripp discloses a media network provides a duplication service to web client. However Tripp does not detail a at least one packaging printer queue, the packaging printer queue receiving jobs from the media file master server that allow for

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printing of labels and insert to be used in the product packaging for the completed recording.

A skilled artisan would have motivation to implement the duplication services on Tripp's apparatus and found Lewis teaching. Lewis discloses an Internet environment wherein the transaction such as a payment between clients and master servers can be printed [Lewis, a master server, print transaction, col 7 lines 15-35; payment, labels via a printer, col 12 lines 11-62; printer preview button, col 19 lines 52-67]

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the purchase/transaction receipt, printing labels as taught Lewis into the Tripp's apparatus in order to utilize the duplication services. Doing would provide a unique form of evidence of payment for executing secure electronic transaction.

22. As per claim 7, Tripp-Lewis disclose a media database containing information about a plurality of media files available for purchase, such information including cost, length, available formats, ratings, credits, ownership, royalty requirements, an representative samples pf each media file to be used for customer preview and selection of customization options [Lewis, purchase server, col 17 lines 1-3; pre-scheduled payment, col 17 lines 35-40; optional setting for purchases, col 18 lines 45-52; printer preview button, col 19 lines 52-67; edited, col 20 lines 45-55].

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23. As per claim 8, Tripp-Lewis disclose a recording database containing information about a plurality of recordings made by the system, such information including recording number, media serial number, time and date of recording, and a reference key to the customer record in the customer database for the purchaser of the recording [Lewis, log database, col 18 lines 10-52].

24. As per claim 9, Tripp discloses at least one media file customization server for computing customizations on media file samples for the web site [Lewis, update the database record, col 17 lines 24-35].

25. As per claim 15, Tripp discloses the media files are encrypted [Lewis, encrypted, col 14 lines 26-48;col 15 lines 47-64;col 21 lines 39-57;].

26. As per claim 16, Tripp discloses a recorder, the media recording client controlling the recorder with respect to insertion recording to and removal of a recording medium [Lewis, CD-ROM, col 18 lines 33-43;col 20 lines 45-55].

27. As per claim 17, Tripp discloses the files are duplicated on a recording medium selected from the group consisting of cassette tapes, DVD, CDROMS, floppy discs and video tapes [Lewis, CD-ROM, col 18 lines 33-43;col 20 lines 45-55]

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28. As per claim 18, Tripp discloses multiple types of media files are recorded on one specimen of a recording medium [Lewis, CD-ROM, col 18 lines 33-43; col 20 lines 45-55].

Allowable Subject Matter

29. Claim 1 is allowable.

None of the prior art of record teaches the media file master server obtaining a Job from the processing job queue, acquiring files for the job in at least one area consisting of a media master file server local storage and the media file archival server, the media master file server sending the jobs requiring customization work to the generation queue and sending jobs not requiring customization work to the generation queue and sending jobs not requiring customization work to the recording queue, the media generation client retrieving the job from the generation queue, performing customization work and returning the job to the master media file server, the media recording client retrieving the job from the recording queue and duplicating' the files together with the unique digital identification number on a recording medium.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Thong Vu, whose telephone number is (571) 272-3904.

The examiner can normally be reached on Monday-Thursday from 8:00AM- 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Jack Harvey*, can be reached at (571) 272-3896.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9700.

Any response to this action should be mailed to: Commissioner of Patent and Trademarks, Washington, D.C. 20231 or faxed to :

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After Final (703) 746-7238

Official: (703) 746-7239

Non-Official (703) 746-7240

Hand-delivered responses should be brought to Crystal Park 11,2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Thong Vu

Patent Examiner

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A handwritten signature in black ink, appearing to read 'Thong Vu', with a horizontal line underneath.